

EXHIBIT 16

Dan Skerritt - FW: PCS Plus Transaction

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REDACTED

> -----Original Message-----

> From: Doug Hutcheson [SMTP:dough@qualcomm.com]

> Sent: Monday, September 21, 1998 7:14 PM

> To: Ferchat, Robert

> Subject: RE: PCS Plus Transaction

>

> Bob,

>

> It is unfortunate but in light of both John's communications and efforts
 > to date it is difficult to risk our business on the basis that this
 > transaction is going to occur - I'll leave you to sort through the e-mail
 > trail. I have ask John to do two things before we dedicate any further
 > effort. First, he must engage and behave as if he is in control of
 > Magnacom. We cannot risk investing \$35M in a market when one of the
 > principles of the transaction does not clearly grasp the significance of
 > this issue. Second, he must try to make us believe that he is concerned
 > that this transaction occurs. We cannot continue to struggle each step of
 > the way due to the selling party's unwillingness to be an active
 > participant. He has convinced me on both accounts at this point that his
 > personal agenda takes far more precedence then his fiduciary role.

>

> I must get a market running ASAP and have difficulty believing that I
 > should risk my business in a time sensitive transaction with John's
 > continuing positions. The only basis that I can see putting any further
 > effort in this transaction is if John resolves the two issues above with
 > me, directly. I pass this to you not for action but so you know the basis
 > of the decisions that I have reached. This has been communicated with
 > Harvey White as well.

>

> As I stated I have ask all further work on our side of the transaction to
 > stop and will await John's review and thoughts to my specific concerns. If
 > the transaction begins again we must find a new basis of agreement that
 > revalues on what terms we go ahead given both the delays, risk, and added
 > expense that has been uncovered as we have moved through this effort.
 > Regarding the PCS+ employees I will continue to payroll through 30
 > September at which time we may selectively hire some of the group but the
 > rest will be released. GST's confidential treatment of this subject would
 > be appreciated in the meantime.

>

> I am both disappointed and concerned that we have reached this point, and
 > I do not believe that GST has been at all responsible for this result. I
 > appreciate your efforts through out this process and trust that this will
 > not reflect on our future business dealings, should the opportunity arise.

>

> For me the ball is clearly and firmly in John's court. It is up to him
 > from here where we go.

>

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EXHIBIT 7

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> Regards,
 >
 > Doug
 >
 >
 >
 > At 11:01 AM 9/21/98 -0400, you wrote:
 > > I am available in Toronto September 26th in am or September 28th in
 > Toronto
 > > from 10am until 5pm. October 1st. in Toronto or Chicago in the pm and
 > > October 2nd in the am either Toronto or Chicago. I have a noon luncheon
 > in
 > > Toronto that day (the 2nd.). I am also available on the 3rd. until 5pm.
 > > I think it will be very difficult to get John Warta and I at the same
 > time.
 > > Can you get everything settled with JW this week and then we can meet or
 > > just teleconference next week?
 > > Bob
 > > -----Original Message-----
 > > From: Doug Hutcheson [SMTP:dough@qualcomm.com]
 > > Sent: Monday, September 21, 1998 10:23 AM
 > > To: Ferchat, Robert; 'Doug Hutcheson'
 > > Cc: 'Dan Skerritt'; 'John Warta'
 > > Subject: RE: PCS Plus Transaction
 > >
 > > Bob,
 > >
 > > It seems that we have crossed on our communications. In your response
 > to
 > > my
 > > original e-mail you suggested availability on Tuesday evening after 630
 > > and
 > > that was when we were targeting to meet with you. We had talked with
 > Dan
 > > Skerritt separately and he was available subject to your thoughts on
 > his
 > > attendance. John Warta has not been active for sometime, although I
 > note
 > > that he is available until the 25th and then gone for a week. If John
 > > would
 > > have met on Tuesday in Toronto that would have been fine or if he would
 > > engage on different terms that would equally productive. For you and I
 > to
 > > have meet on Tuesday evening, after 630, for a short period would have
 > > been useful as well. With all of the above said - it appears that
 > Tuesday
 > > evening is no longer available.
 > >
 > > The suggested timing was on the basis that we need/want to file with
 > the
 > > FCC next week. As far as a meeting on the West Coast next week that
 > would
 > > be fine, I am on the East coast all this week (and in an inflexible
 > > position for Wednesday, Thursday, and Friday), but would be available

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> to
> > meet next week, any time except Monday and Tuesday. It appears that
> John
> > is
> > not available and therefore we are probably pushed into the following
> > week.
> > From our perspective this is not ideal and concerning.
> >
> > I will revert to GST and John Warta as to when you would like to meet.
> >
> > Thanks,
> >
> > Doug
> >
> > At 12:18 PM 9/19/98 -0400, Ferchat, Robert wrote:
> > > I am not available at all on Tuesday. When you talk about Dan do you
> mean
> > > Dan Skeritt? Is John Warta going to be here? Since I am unavailable
> on
> > > Tuesday, Wednesday or Thursday why not have your session in the west
> > coast
> > > at some convenient location.
> > > Bob
> > >
> > > -----Original Message-----
> > > From: Doug Hutcheson [SMTP:dough@qualcomm.com]
> > > Sent: Friday, September 18, 1998 6:49 PM
> > > To: Ferchat, Robert; 'Doug Hutcheson'
> > > Cc: 'Dan Skeritt'; 'John Warta'; hwhite@qualcomm.com;
> > > tthornley@qualcomm.com; damandel@qualcomm.com
> > > Subject: RE: PCS Plus Transaction
> > >
> > > Bob,
> > >
> > > We will arrive on mid-day Tuesday, hope to meet with John and Dan to
> > work
> > > to on the details and then Tuesday evening to discuss the issues and
> > > finalize, if possible. I will be bring Dave Mandel as well.
> > >
> > > Thanks,
> > >
> > > Doug
> > >
> > > At 05:50 PM 9/18/98 -0400, Ferchat, Robert wrote:
> > > > The only times I have that I can open up on this short notice is
> > > Monday
> > > > morning September 21st from say 7.30 to 11.30 or in the evening
> > > after
> > > > 6.30
> > > > p.m. Tuesday the 22nd. is not possible nor is the 23rd. or 24th.
> > > could
> > > > you
> > > > get here for a Sunday meeting on the 20th?
> > > >

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> > > > -----Original Message-----
> > > > From: Doug Hutcheson [SMTP: dough@qualcomm.com]
> > > > Sent: Thursday, September 17, 1998 11:22 AM
> > > > To: Ferchat, Robert
> > > > Cc: hwhite@qualcomm.com; tthornley@qualcomm.com
> > > > Subject: PCS Plus Transaction
> > > >
> > > > Bob,
> > > >
> > > > We have not talked for a while - I hope your week of vacation at
> the
> > > > beginning of the month was enjoyable.
> > > >
> > > > Relative to the transaction, we continue to make progress but we
> > have
> > > > some
> > > > hard deadlines that are approaching that we need to address. It
> > seems
> > > > that
> > > > most of the agreements have been flushed and that we have a short
> > list
> > > > of
> > > > major issues. This list includes the following principle issues -
> > but
> > > > is
> > > > not necessarily all inclusive:
> > > >
> > > > 1) Leap Wireless (formerly Spinco and the owner of Cricket
> > > > Communications)
> > > > desires to make significant investments in Tucson from the time
> we
> > sign
> > > > the
> > > > agreements (September 98) until we receive the licenses from the
> FCC
> > > > (most
> > > > likely February or March 99 - assuming no challenges). In the
> event
> > > > the
> > > > licenses are not transferred for actions outside of our control
> we
> > need
> > > > to
> > > > discuss the disposition of this investment.
> > > >
> > > > 2) We need to minimizes the possibilities that the current
> license
> > > > holders
> > > > will be placed or forced into bankruptcy during the same time
> period
> > > > as
> > > > above - therefore bring the licenses into bankruptcy court and
> > > > eliminating
> > > > our standing. As a subset of this issue we need to finalize on

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> our
> > > > joint
> > > > approach to keep the assets in good standing with the FCC
> relative
> > to
> > > the
> > > > payments.
> > > >
> > > > 3) We need to jointly discuss our approach on the GST ownership
> > option
> > > and
> > > > appropriate actions with third parties.
> > > >
> > > > 4) Leap needs to begin and/or complete our discussions with Point
> > Comm,
> > > > PCS
> > > > Plus, LCC, and OnCue. As a collateral issue we need PCS Plus to
> > reach
> > > > agreement between Leap Wireless and PCS Plus LCC on the demand
> > letter
> > > that
> > > > has been issued.
> > > >
> > > > Leap Wireless and Cricket Communications want to submit the
> > application
> > > > for
> > > > license transfer during the week of September 28th. I believe
> that a
> > > > face
> > > > to face discussion with the relevant parties is appropriate. I
> would
> > > > like
> > > > to propose a meeting, in Toronto, or another agreeable location
> for
> > > > Monday,
> > > > September 21st or Tuesday, the 22nd. Tuesday would be preferred
> from
> > my
> > > > schedule, if possible. I believe that a discussion with all of
> the
> > > > principles, including John Warta, would be best but am open to
> > thoughts
> > > > and/or suggestions. Feel free to forward this to John and others
> as
> > you
> > > > feel appropriate.
> > > >
> > > > Thanks,
> > > >
> > > > Doug
> > > >
> > >
> > >
> > >
> >

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GST-WARTA0010416

From: "Ferchat, Robert" <rafercha@Mobility.com>
To: 'Doug Hutcheson' <dough@qualcomm.com>
Date: Tue, Sep 22, 1998 8:42 AM
Subject: RE: PCS Plus Transaction

I am going into a black out period for 48 hours. If it really falls apart (the brandishing of words and positioning is not helpful but is apart of this one) please get a message to me at the King Edward Hotel in Toronto (during working hours Merilla can reach me)
 Bob

> -----Original Message-----

> From: Doug Hutcheson [SMTP:dough@qualcomm.com]
 > Sent: Monday, September 21, 1998 7:17 PM
 > To: P68WA@aol.com; dough@qualcomm.com; rafercha@mobility.com
 > Cc: Dhs@aterwynne.com; damandel@qualcomm.com
 > Subject: Re: PCS Plus Transaction
 >
 > John,
 >
 > Thank-you for your interpretation of my actions. I revert to my previous
 > e-mail. When the two issues raised are addressed to our satisfaction we
 > can
 > proceed. Based on the timing of those actions we can revisit on what basis
 > we will proceed.
 >
 > Doug
 >
 > At 05:08 PM 9/21/98 -0400, P68WA@aol.com wrote:
 > >Clearly, you are looking for an excuse to withdraw from the transaction.
 > If
 > >you read what I said, regarding my availability to participate in
 > anything is
 > >directly related to GST, and what their desires are. They are the ones
 > who
 > >initiated wanting their money back, and I am trying to accomodate them.
 > But,
 > >I am not going to be acused of failing to be available when I clearly AM,
 > this
 > >week when you asked for someone to be available.
 > >
 > My comments were specifcically related to your seeking to blame me for
 > being
 > >out of the country and being unavailable to meet with you whenever you
 > feel
 > >like it. As I said I am available this week, today, thru Thursday in
 > >Portland. After that I am out for a week.
 > >

CC: 'Dan Skerritt' <Dhs@aterwynne.com>, "Cerzosimo, Me..."

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